



Appl. No. 09/870,536  
Appeal Brief dated February 9, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/870,536 Confirmation No.: 1341  
Applicant(s): Richard A. Pineau  
Filed : May 30, 2001  
Title : METHOD AND SYSTEM FOR REMOTE  
UTILIZING A MOBILE DEVICE TO  
SHARE DATA OBJECTS  
TC/A.U. : 2151  
Examiner : Khanh Q. Dinh  
  
Docket No. : 8501  
Customer No.: 20349

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**APPEAL BRIEF**

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Sir:

This is an appeal from the final rejection of claims 1 - 10 and 23 - 28 of the application as set forth in the Office Action, made final, mailed June 14, 2005. A three (3) month extension of time for filing the Appeal Brief has been obtained by a paper filed on even date herewith.

**REAL PARTY IN INTEREST**

The real party in interest in this appeal is Polaroid Corporation, a corporation organized and existing under the laws of the State of Delaware, of 1265 Main Street, Waltham, MA 02451.

**RELATED APPEALS AND INTERFERENCES**

There are no related appeals and interferences.

**STATUS OF CLAIMS**

1. Claims 1 - 10 and 23 - 28, all the claims pending in the application, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the references applied in support of the rejection.

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#### **STATUS OF AMENDMENTS**

Appellant did not file an amendment after the final Office Action and elects to prosecute this appeal on the basis of the claims which were in the application prior to the final Office Action.

#### **SUMMARY OF INVENTION**

Appellant's claims are directed to a method and system in which a user utilizes a mobile device, such as a cell phone, to connect to a remote server for the purpose of sharing user-provided data objects, such as digital images, with one or more intended recipients designated by the user by an electronic address sent to the remote server by the user.

The claimed method and system enable a user to share user-provided data objects with selected user-designated addressees or recipients. Said another way, appellant's method and system provide peer to peer data object sharing among designated users.

According to the method and system of appellant, the user is in control. The user provides the data objects in the form of digital content, selects which of the data objects are to be shared and also selects from a list of user-designated addresses those recipients which will be allowed to share the selected data objects.

**REFERENCES APPLIED BY EXAMINER**

1. U.S. Patent No. 6,694,133 B1 ("Tobita et al.").
2. U.S. Patent No. 6,292,657 B1 ("Laursen et al.").

**DISCUSSION OF THE REFERENCES**

1. Tobita et al. relates to a system for image delivery, and a method therefor, in which a plurality of images are prepared in a server, an image is downloaded to a mobile phone from the server and the downloaded image is displayed on the mobile phone.

The images on the server are proprietary, copyrighted images, such as cartoon characters, such as are owned and made available by an entertainment company for download by paying registered customers or users for limited use display on the user's cell phone. The system is configured to ensure that the user is unable to copy, transmit or otherwise share a downloaded image with any other person.

2. Laursen et al. relates to a fleet managing system in which fleet data can be securely managed and disseminated to a selective group of mobile stations serviced by a carrier infrastructure. Access to the fleet managing system is guarded with a challenge response every time there is a request arriving at the

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system while the mobile stations are verified by an account manager in the system to ensure that the fleet data is sent to the correct group of mobile stations.

### **ISSUE**

Whether the subject matter of claims 1 - 10 and 23 - 28 is unpatentable under 35 USC § 103(a) over Tobita et al. in view of Laursen et al.

### **GROUPING OF CLAIMS**

Pursuant to 37 CFR 1.192(c)(7), appellant requests that the claims on appeal be considered together as one group.

### **ARGUMENT**

#### **Summary.**

The combination of Tobita et al. and Laursen et al. does not teach or suggest the invention recited in the appealed claims. There is no suggestion or incentive to be found in the cited references which would place one skilled in the art in possession of the claimed subject matter of appellant as is required to properly support the rejection under 35 U.S.C. § 103(a).

**Discussion.**

The method of appellant recited in claim 1 is directed to sharing user-provided data objects such as digital images with one or more intended recipients designated by the user by an electronic address sent to a remote server by the user. The claimed method and system enable a user to share user-provided data objects with selected user-designated addressees or recipients.

According to the method and system of appellant, the user provides and controls the dissemination of the data objects stored on a remote server. The user provides the data objects in the form of digital content, selects which of the data objects are to be shared and also selects from a list of user-designated addresses those recipients which will be allowed to share the selected data objects.

Tobita et al. does not teach or in any way suggest critical elements of appellant's claimed invention. Tobita et al. teaches a method and system which is intentionally non-sharing in nature. The method and system described by this reference is a non-sharing vendor to customer arrangement allowing the vendor to control the transmission of proprietary data objects for the limited purpose of displaying the objects on the customer's cell phone. The reference does not teach or suggest storing user-provided images or data objects on

the remote server. Only vendor-provided images are stored on the remote server.

In addition, the system and method taught by the reference, in contrast to those of appellant, do not permit a user to provide a user-designated address list from which a user may select recipients to receive selected images or data objects. The list of addresses in Tobita et al. is limited to registered customers of the vendor's services which is clearly not a user-designated address list.

That Tobita et al. does not share user provided data objects is clearly apparent from the disclosure of the reference. For example, at column 2, lines 35 - 40 the reference states that "...since an image data to be delivered is held in an access controlled storage means, the read-out image is held in storage means in which it cannot be delivered to others again or cannot be processed, and protection of a copyright of the delivered image can be promoted."

The method is explained further with respect to Fig. 10. At column 10, line 53 et seq. the procedure is described for registering members and compiling a member list as shown at step 105 of Fig. 10. The member list is also shown in Fig. 3, designated by numeral 31, and referred to at column 9, line 11.

It is clearly apparent that Tobita et al. does not utilize, as does appellant, user-designated addresses for peer to peer sharing of user-provided



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data. Instead, Tobita et al. utilizes a vendor compiled and controlled customer list to sell or lease images for limited display purposes.

The Office Action explicitly acknowledges that Tobita et al. does not teach appellant's claimed system and method. In the last full sentence of page 3 the Office Action states that "Tobita does not specifically disclose enabling sharing of selected user provided data object with selected user designated addresses."

The Office Action relies upon Laursen et al. ostensibly to provide the disclosure which is missing in Tobita et al. In support of the rejection it is stated that Laursen et al. "...in the same wireless data networks communications discloses enabling sharing of selected user provided data object with selected user designated addresses (providing a list of selective set of mobile stations sharing the same fleet of data in a wireless communications network...)". The Office Action, in essence, concludes that combined disclosures of the references would place appellant's claimed system and method in the possession of the general public because it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Laursen et al. into the system of Tobita et al. to provide secure delivery of data by an authorized entity to selected mobile stations and control the dissemination of data to selected mobile stations at any time.

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The secondary reference relates to a fleet managing system in which fleet data can be securely managed and disseminated to a selective group of mobile stations serviced by a carrier infrastructure. Access to the fleet managing system is guarded with a challenge response every time there is a request arriving at the system while the mobile stations are verified by an account manager in the system to ensure that the fleet data is sent to the correct group of mobile stations.

Laursen et al. is concerned with sending information stored at a central location to a selected group of recipients. The purpose of the system is to provide secure management of mobile devices or stations by an authorized entity. The reference is concerned with the need to distribute information to a selective number of users through the mobile devices. The information, which is collectively referred to as mobile data or fleet data, may include commercial information, proprietary message and group call lists. See the paragraph bridging columns 1 and 2 of Laursen et al.

The method of the reference, however, does not involve at least one of the steps of the method of appellant. The method of appellant requires a step (E) of sending to at least one of a plurality of user-designated stations a transmission providing access to the selected user-provided data object. In Laursen et al. the information is sent to user stations which have access and the transmission sent to the designated

stations does not include providing access for the stations to the selected user-provided data objects.

Thus, the combination of Tobita et al. and Laursen et al. does not teach or suggest the invention recited in the appealed claims.

In order to properly support a rejection under 35 U.S.C. § 103(a) there must be a suggestion or incentive to be found in the cited references which would place one skilled in the art in possession of the claimed subject matter. Here, there is no such suggestion or incentive to be found in the references.

There can be no suggestion or incentive in the references to combine their teachings as has been done in the Office Action since to do so would change the basic nature of the method and system of Tobita et al. As pointed out in detail above, Tobita et al. teaches a method and system which is intentionally non-sharing in nature. To modify the teachings of Tobita et al. in the manner done in the Office Action would result in rendering the system and method of the reference unfit for its intended purpose since Tobita et al. does not involve storing user-provided images or data objects on a remote server and does not permit a user to provide a user-designated address list from which a user may select recipients to receive selected images or data objects.

In view of the foregoing, one skilled in the art would find no suggestion or incentive to modify the

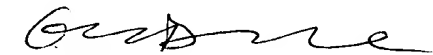
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method and system of Tobita et al. to arrive at the method and system of appellant wherein the user provides and controls the dissemination of the data objects stored on a remote server by selecting which of the data objects are to be shared, also selecting from a list of user-designated addresses those recipients which will be allowed to share the selected data objects and sending to the selected recipients a transmission providing access to the selected data objects.

**CONCLUSION**

For the foregoing reasons the 35 USC §103(a) rejection should be reversed and claims 1 - 10 and 23 - 28 allowed.

Respectfully submitted,



Gaetano D. Maccarone  
Registration No. 25,173

Polaroid Corporation  
Patent Department  
1265 Main Street  
Waltham, MA 02451  
Tel.: 781-386-6405  
Fax: 781-386-6435

**CLAIMS APPENDIX**

Claims On Appeal

Claim 1. A method for sharing user provided data objects utilizing a mobile device, said mobile device having a unique identifier and access to at least one of a plurality of services accessible at a remote server, comprising the steps of:

(A) establishing a linking relationship between said unique identifier and an account at a service from the at least one of a plurality of services accessible at the remote server;

(B) receiving, at the remote server, a request, from said mobile device having said unique identifier, for access to the service containing the account linked to said unique identifier, said service being accessible at the remote server;

(C) transmitting, to the mobile device having said unique identifier, a response, said response providing access to a plurality of entities, said entities comprising a list of user provided data objects and a list of user designated addresses, said entities being associated with the account linked to said unique identifier;

(D) receiving, at the remote server, from the mobile device having said unique identifier, a request, said request comprising an indication of a selected user provided data object and an indication of at least one of a plurality of user designated addresses and a request to send said indicated data objects to said indicated at least one of a plurality of addresses, said addresses being selected from said list of user designated addresses; and

(E) sending, to said at least one of a plurality of user designated addresses, a transmission providing access to the selected user provided data object thereby enabling sharing of the selected user provided data object with selected user designated addressees.

Claim 2. The method of Claim 1 further comprising the step of:

(F) receiving, at the remote server, from the mobile device having said unique identifier, a user provided data object from a data object source, said data object being added to the list of user provided data objects.

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Claim 3. The method of Claim 2 further comprising the step of:

(G) transmitting to the mobile device having said unique identifier, upon receiving the user provided data object from the data object source, a notification of the status of reception.

Claim 4. The method of Claim 1 wherein in step (C) the access to the list of user provided data objects further comprises access to reduced size versions of said user provided data objects.

Claim 5. The method of Claim 1 wherein in step (E) the transmission provides access to a reduced size version of the selected user provided data object.

Claim 6. The method of Claim 1 wherein in steps (D) and (E) the at least one of a plurality of user designated addresses include the addresses of other mobile devices.

Claim 7. The method of Claim 4 wherein in steps (D) and (E) the at least one of a plurality of user designated addresses include the addresses of other mobile devices.

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Claim 8. The method of Claim 1 wherein the user provided data objects are images.

Claim 9. The method of Claim 5 wherein the user provided data objects are images.

Claim 10. The method of Claim 9 further comprising the step of:

processing the selected user provided data object, prior to step (E), to provide optimal perceivable image quality.

Claim 23. A system for sharing user provided data objects utilizing a mobile device, said mobile device having a unique identifier, said system providing access to at least one of a plurality of services and comprising:

means for establishing a linking relationship between said unique identifier and an account at a service from the at least one of a plurality of services;

means for receiving a request, from said mobile device having said unique identifier, for access to the service containing the account linked to said unique identifier;



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means for transmitting, to the mobile device having said unique identifier, a response to the request, said response providing access to a list of user provided data objects and a list of user designated addresses;

means for receiving, at the remote server, from the mobile device having said unique identifier, indication of a selected user provided data object data object and indication of at least one of a plurality of user designated addresses, said addresses being selected from said list of user designated addresses; and

means for sending, to said at least one of a plurality of user designated addresses, a transmission providing access to the selected user provided data object thereby enabling sharing of the selected user provided data object with selected user designated addressees.

Claim 24. The system of Claim 23 further comprising:

means for receiving, from the mobile device having said unique identifier, a user provided data object from a data object source, said data object being added to the list of user provided data objects.

Claim 25. The system of Claim 24 further comprising:

means for transmitting to the mobile device having said unique identifier, upon receiving the user provided data object from the data object source, a notification of the status of reception.

Claim 26. The system of Claim 23 wherein the means for transmitting a response to the request, said response also provides access to reduced size versions of the user provided data objects.

Claim 27. The system of Claim 23 wherein the means for sending a transmission providing access to the selected data object also provides access to a reduced size version of the selected user provided data object.

Claim 28. The system of claim 23 wherein said user provided data objects are images and said system further includes means for processing the selected user provided images to provide optimal perceived image quality.

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**EVIDENCE APPENDIX**

Appellant has not submitted in the application any evidence pursuant to §§ 1.130, 1.131 and 1.132 of 37 Code of Federal Regulations.

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**RELATED PROCEEDINGS APPENDIX**

There are no decisions by a court or the Board of Patent Appeals and Interferences in any related proceedings.

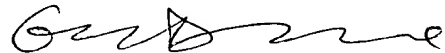
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**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 9, 2006



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Gaetano D. Maccarone  
Registration No. 25,173